UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNITED STATES POSTAL SERVICE

and	Cases 07-CA-099718
	07-CA-100726
	07-CA-100731
LOCAL 307, NATIONAL POSTAL MAIL	07-CA-100734
HANDLERS UNION, AFL-CIO, A DIVISION	07-CA-101246
OF THE LABORERS' INTERNATIONAL UNION	07-CA-106504
OF NORTH AMERICA, AFL-CIO	07-CA-106507

DECISION AND ORDER

Statement of the Cases

On September 10, 2013, the United States Postal Service (the Respondent), Local 307, National Postal Mail Handlers Union, AFL-CIO, a Division of the Laborers' International Union of North America, AFL-CIO (the Charging Party), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

¹ Chairman Pearce and Member Schiffer note that the remedy to which the parties have

these orders in any respect. Since all the parties in this case have agreed to the terms of the

agreed is not fully consistent with previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003); and *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007). These broad orders, as enforced by the United States Courts of Appeals, remain in effect. However, because all the parties have agreed to the terms of this Formal Settlement Stipulation, they have determined that approval of the parties' settlement will effectuate the purposes of the Act. The Board's approval of this stipulation does not modify

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

At all material times, the Respondent has provided postal services for the United States and operated various facilities throughout the United States in the performance of that function, including facilities located in Grand Rapids, Michigan at (a) 225 Michigan Street NW (the Grand Rapids Main facility); and (b) 3500 Patterson Ave., SE (the Patterson Annex), (collectively, the Respondent's Grand Rapids facilities.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act, 39 U.S.C. Section 101 et seq. (PRA).

2. The labor organization involved

At all material times, the National Postal Mail Handlers Union (NPMHU), AFL-CIO (the National Union) and the Charging Party have been labor organizations within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The employees of the Respondent described in Article 1 (Union Recognition) of the collective-bargaining agreement between the Respondent and the National Union with a term of November 21, 2006 until November 20, 2011 (the unit) constitutes a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Grand Rapids, Michigan, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with Local 307, National Postal Mail Handlers Union, AFL-CIO, a Division of the Laborers' International Union of North America, AFL-CIO (the Charging Party), by failing and refusing to timely provide requested information that is relevant and necessary to the Charging Party as the designated servicing representative of the National Union, the collective-bargaining representative of those unit employees

Formal Settlement Stipulation, Member Miscimarra finds it unnecessary to address the issue of whether the remedy here "is not fully consistent" with the remedies in other cases.

described in the existing collective-bargaining agreement and found appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (the unit).

- (b) In any like or related manner refusing to bargain collectively and in good faith with the Charging Party.
 - 2. Take the following affirmative action necessary to effectuate the policies of the Act
- (a) Promptly provide the Charging Party with (i) the labor management minutes for 2011, and all PTR bid cycles from December 2010 through May 2012, requested by the Charging Party on various dates between December 2010 through May 2012; and (ii) the Staffing Matrix for the SPBS/APBS 6-seater that is in the process of installation, requested by the Charging Party on or about May 1, 2013, and again on May 4, 2013, and again on May 14, 2013.
- (b) Upon request, bargain collectively and in good faith with the Charging Party as the servicing representative of the exclusive collective-bargaining representative of the employees in the unit at the Respondent's Grand Rapids facilities.
- (c) Within 14 days of service by the Region, post at the Grand Rapids Main facility and at the Patterson Annex, copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by Region 7, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute the notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since February 15, 2013.
- (d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington,	D.C.,	February	12,	2014
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Mark Gaston Pearce,	Chairman
Philip A. Miscimarra,	Member
Nancy Schiffer,	Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS

We are posting this Notice to inform you of the rights guaranteed to you by the National Labor Relations Act.

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join or assist a union; Choose representatives to bargain with us on your behalf; Act together with other employees for your benefit and protection; Choose not to engage in any of these protected activities.

WE WILL NOT refuse to provide timely and complete responses to requests from Local 307, National Postal Mail Handlers Union, AFL-CIO, a Division of the Laborers' International Union of North America, AFL-CIO (the Union) for information that is necessary for and relevant to the Union's performance of its duties as the designated servicing representative of the exclusive collective-bargaining representative of certain of our employees.

WE WILL NOT in any like or related manner refuse to bargain collectively and in good faith with any labor organization, including the Union, as the designated servicing representative of the exclusive collective-bargaining representative of certain of our employees.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL promptly provide the Union with (i) the labor-management minutes for 2011, and all PTR bid cycles from December 2010 through May 2012, requested by the Union on various dates between December 2010 through May 2012; and (ii) the Staffing Matrix for the SPBS/APBS 6-seater that is in the process of installation, requested by the Union on or about May 1, 2013, and again on May 4, 2013, and again on May 14, 2013.

WE WILL, upon request, bargain collectively and in good faith with the Union as the exclusive collective-bargaining representative of certain of our employees.

UNITED STATES POSTAL SERVICE